REMARKS

The above amendments and these remarks are responsive to the final Office Action issued on September 9, 2005. By this response, claim 1 is amended to incorporate features from claim 8, and claim 8 is cancelled without prejudice. No new matter is added. It is submitted that the Amendment places the application in condition for allowance or better form for appeal. Entry of the amendment is respectfully requested. Claims 1-7 and 9 are now active for examination.

The Office Action dated September 9, 2005 rejected claims 1-3 and 6-9 under 35 U.S.C. §102(e) as being anticipated by Aberle et al. (U.S. Patent No. 6,583,519). Claims 1-8 were rejected under 35 U.S.C. §102(b) as being anticipated by Suzuki et al. (U.S. Patent No. 5,552,681). Claims 4-5 were rejected under 35 U.S.C. §103(a) as unpatentable over Aberle et al. in combination with Suzuki et al. Claim 9 stood rejected under 35 U.S.C. §103(a) as unpatentable over Suzuki et al. in combination with Severinsky (U.S. Patent No. 6,209,672).

It is respectfully submitted that the rejections are overcome in view of the amendments and/or remarks presented herein.

The Anticipation Rejections Are Overcome

Claims 1-3 and 6, 7 and 9 were rejected as being anticipated by Aberle, and claims 1-7 were rejected as being anticipated by Suzuki. By this response, claim 1 is amended to incorporate features from claim 8. The anticipation rejections are respectfully traversed because neither Aberle nor Suzuki can support a prima facie case of anticipation.

Claim 1, as amended, describes a power source device supplying power to an electric motor and an accessory circuit. The device includes a fuel cell power plant having an output

terminal to which the electric motor and the accessory circuit are connected in parallel. A power storage device is connected to the output terminal, to perform a charging operation and a discharging operation. A DC/DC converter regulates an input voltage of the power storage device in a charging operation and an output voltage of the power storage device in a discharging operation. The accessory circuit is connected to the output terminal not via the DC/DC converter. The accessory circuit comprises a first circuit and a second circuit. The first circuit consumes more power than the second circuit. The length of wire connecting the first circuit and the terminal is shorter than the length of wire connecting the second circuit and the terminal.

Neither Aberle nor Suzuki specifically describes that the accessory circuit comprises a first circuit and a second circuit, wherein the first circuit consumes more power than the second circuit, and that the length of wire connecting the first circuit and the terminal is shorter than the length of wire connecting the second circuit and the terminal, as described in claim 1. Therefore, both Aberle and Suzuki fail to support a prima facie case of anticipation. The anticipation rejections based on Aberle and Suzuki are untenable and should be withdrawn. Favorable reconsideration of the claim 1 is respectfully requested.

Claims 2-7 and 9, directly or indirectly, depend on claim 1 and incorporate every limitation thereof. Accordingly, claims 2-7 and 9 are patentable over Aberle or Suzuki. Favorable reconsideration of claims 2-7 and 9 is respectfully requested.

The Obviousness Rejections Are Traversed

Claims 4 and 5 were rejected as unpatentable over the combination of Aberle and Suzuki, and claim 9 stood rejected as unpatentable over Suzuki et al. in combination with Severinsky.

The obviousness rejections are respectfully traversed because the cited documents cannot support a prima facie case of obviousness.

Claims 4, 5 and 9, directly or indirectly, depend on claim 1 and incorporate every limitation thereof. As discussed earlier relative to claim 1, both Aberle and Suzuki fail to disclose that the accessory circuit comprises a first circuit and a second circuit, wherein the first circuit consumes more power than the second circuit, and that the length of wire connecting the first circuit and the terminal is shorter than the length of wire connecting the second circuit and the terminal, as described in claim 1. The additional publication, Severinsky, was cited for its purported descriptions related to an alternating current synchronous motor, and does not alleviate the deficiencies of Suzuki. Therefore, Suzuki, even if combined with either Aberle or Severinsky, fails to disclose every limitation of claims 4, 5 and 9. Accordingly, claims 4, 5 and 9 are patentable over the combination of Aberle and Suzuki, or the combination of Suzuki and Severinsky. Favorable reconsideration of claims 4, 5 and 9 is respectfully requested.

CONCLUSION

For the reasons given above, Applicant believes that this application is in condition for allowance, and requests that the Examiner give the application favorable reconsideration and permit it to issue as a patent. If the Examiner believes that the application can be put in even better condition for allowance, the Examiner is invited to contact Applicant's representatives listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Wei-Chen Nicholas Chen
Registration No. 56,665

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 WC:apr
Facsimile: 650-813-5092
Date: December 9, 2005

Please recognize our Customer No. 20277 as our correspondence address.